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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/898,867	07/03/2001	Banning G. Lary	SYN-053	SYN-053 4123		
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David P. Gordon, Esq.			EXAMINER			
65 Woods End I Stamford, CT			MENDEZ, MANUEL A			
			ART UNIT	PAPER NUMBER		
			3763			
			DATE MAILED: 08/13/2002	DATE MAILED: 08/13/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)	. /				
Manuel Mendez   3763		09/898,867	LARY ET AL.	Cil				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions from my be evaluate under the previouslos of 3 CPR 1-136(s). In no event, however, may a righty be limited flight of the period for righty separation and the period of 3 CPR 1-136(s). In no event, however, may a righty be limited flight of the period for righty separation above the less than bridry (00) days, a righty within the studiusly minimum of thish; (00) days, will be considered timely.  If the period for righty separation does, the maximum statutory period vall again and the period of the communication of the period of the communication of the period of the communication of the period of the communication.  Any reply received by the Office later than three months after the mailing date of this communication, even if timely flied, may reduce any secured power to making date of this communication, even if timely flied, may reduce any secure day and the period of the communication of the communication of the communication of the mailing date of this communication, even if timely flied, may reduce any secure day and the period of the communication of	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time range he available under the provisions of 37 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range he available under the provisions of 37 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range he available under the provisions of 37 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range he available under the provisions of 37 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range he available under the provision of 37 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range he available under the provision of 38 CFR 1.38(a). In no event, however, may a rapty be timely filled.  Extensions of time range the provision of all timeling date of this communication, which is a provision of a lower than the remaining date of this communication, even if timely filled, may reduce any carried gather time adjustment. See 37 CFR 1.38(a).  Status  1)		Manuel Mendez	3763					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentials of them may be available unter the provisions of 37 CPR 1.158(a). In no event, however, may a reply be timely field  Edentials of the provision of the provision of 37 CPR 1.158(a). In no event, however, may a reply be timely field  If the period for reply sepacified above is less than thing (30) days, a cepty within the statutory principal under the provision of the provisi	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE MAILING DATE OF THIS COMMUNICATION.  Edemission of time may be available under the provisions of 3 CFR 1.136(a). In one event, however, may a reply be timely filed after SIX (6) MCNTHS from the mailing date of this communication.  I NO period for reply is qualified above, the maximum statutory period valley within the statuctory minimum of thish, 20) days will be considered interly.  I NO period for reply is qualified above, the maximum statutory period valley and will explain SIX (6) MCNTHS from the mailing date of this communication, reply within the mailing date of this communication, even if timely filed, may reduce any status part of the reply villed by status case the application to become ARANDONED (35 U.S. C. § 133). Any reply received by the Other aller than these membras when the mailing date of this communication, even if timely filed, may reduce any status patient time adjustment. See 37 CFR 1.794(b).  Status  1) Responsive to communication(s) filed on								
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-40 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  4Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The proposed drawing correction filed on is/are is/are evidence or billowed by the Examiner.  Application may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) provoved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some col None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 1-40 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are objected to.  8) ○ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a)□ approved b)□ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b)□ Some* c)□ None of:  1.□ □ Certified copies of the priority documents have been received.  2.□ □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 □ Notice of References Cited (PTO-932)  5 □ Notice of Informal Patent Application (PTO-152)	1) Responsive to communication(s) filed on							
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5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to by the Examiner. 10) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.         Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.         If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).         a) ☐ All b) ☐ Some * c) ☐ None of:         1. ☐ Certified copies of the priority documents have been received in Application No         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).     * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).         a) ☐ The translation of the foreign language provisional application has been received.  15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 ☐ Notice of Preftsperson's Patent Drawing Review (PTO-948)  11 ☐ Interview Summary (PTO-413) Paper No(s)	4) $\boxtimes$ Claim(s) <u>1-40</u> is/are pending in the application							
6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☑ Claim(s) is/are objected to. 8) ☑ Claim(s) 1-40 are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) ☐ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1 ☐ Certified copies of the priority documents have been received.  2 ☐ Certified copies of the priority documents have been received in Application No  3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) ☐ The translation of the foreign language provisional application has been received.  15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10 ☐ Notice of Praftsperson's Patent Drawing Review (PTO-948)  50 ☐ Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) is/are withdrawn from consideration.							
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: Figures 2, 7, 8, and 8a, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims is considered generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-308-2221. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Brian Casler can be reached on 703-308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

> Manuel Mendez Primary Examiner Art Unit 3763